

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

AMMAR HARRIS,

Plaintiff

Case No. 3:21-cv-00380-RCJ-CLB

ORDER

v.

STATE OF NEVADA, *et al.*,

Defendants

I. IN FORMA PAUPERIS APPLICATION

On November 15, 2021, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. (ECF Nos. 9, 9-1). Plaintiff’s application to proceed *in forma pauperis* is incomplete. Specifically, the financial certificate that Plaintiff submitted is not signed by a prison official and does not list Plaintiff’s average monthly balance, average monthly deposits, or estimated filing fee. (ECF No. 9 at 4). In addition, based on the financial information contained in the application, Plaintiff may not qualify for *in forma pauperis* status. (*Id.* at 2, 4).

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and
- (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

Accordingly, the Court denies Plaintiff's application to proceed *in forma pauperis* (ECF No. 9) without prejudice because the application is incomplete. The Court will grant Plaintiff a **one-time extension** to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents. Plaintiff will file a fully complete application to proceed *in forma pauperis* on or before **July 1, 2022**. Absent unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff does not file a fully complete application to proceed *in forma pauperis* with all three required documents on or before **July 1, 2022**, this case will be subject to dismissal without prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to acquire all three of the documents needed to file a fully complete application to proceed *in forma pauperis* or pays the full \$402 filing fee.

A dismissal without prejudice means Plaintiff does not give up the right to refile the case with the Court, under a new case number, when Plaintiff has all three documents needed to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an application to proceed *in forma pauperis* and instead pay the full filing fee of \$402 on or before **July 1, 2022** to proceed with this case.

Finally, the Court notes that before submitting his application to proceed *in forma pauperis*, Plaintiff paid \$10 toward his filing fee. (ECF No. 5). This payment will go toward the payment of the filing fee in this action.

II. PLAINTIFF'S MOTIONS

On March 8, 2022, Plaintiff filed a "motion to exclude a defendant," seeking to remove Defendant Attorney General Aaron Ford from his first amended complaint. (ECF No. 14). On March 16, 2022, Plaintiff filed a "motion to correct filing error" and "strike" his initial complaint, stating that the Clerk of the Court "mistakenly excluded [the] Attorney General from the [initial complaint] instead of the verified amended complaint." (ECF No. 15). The Court denies both motions as moot. On March 29, 2022, the Court dismissed Plaintiff's first amended complaint with leave to amend. (ECF No. 16). Plaintiff subsequently filed a second amended complaint, which is now the operative pleading in

1 this matter. (ECF No. 21). In light of the filing of the second amended complaint, Plaintiff's
2 requests regarding earlier iterations of his complaint are moot.

3 On March 18, 2022, Plaintiff filed a "motion for electronic service" of his second
4 amended complaint. (ECF No. 22). Plaintiff requests that the Court electronically serve a
5 copy of his second amended complaint on Senior Deputy Attorney General Chelsea
6 Kallas, a prosecutor assigned to the criminal case against Plaintiff's "assailant." (*Id.*) The
7 Court denies Plaintiff's motion. Kallas is not a party to this action, and it does not appear
8 that she represents any of the Defendants. Thus, there is no basis for the Court to serve
9 her with copies of filings in this case.

10 **III. CONCLUSION**

11 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed
12 *in forma pauperis* (ECF No. 9) is denied without prejudice to file a new fully complete
13 application to proceed *in forma pauperis* with all three documents.

14 IT IS FURTHER ORDERED that Plaintiff's motion to exclude a defendant (ECF
15 No. 14) is denied as moot.

16 IT IS FURTHER ORDERED that Plaintiff's motion to correct filing error and strike
17 his initial complaint (ECF No. 15) is denied as moot.

18 IT IS FURTHER ORDERED that Plaintiff's motion for electronic service (ECF No.
19 22) is denied.

20 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
21 approved form application to proceed *in forma pauperis* by an inmate, as well as the
22 document entitled information and instructions for filing an *in forma pauperis* application.

23 IT IS FURTHER ORDERED that on or before **July 1, 2022**, Plaintiff will either pay
24 the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52
25 administrative fee) or file with the Court:

- 26 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
27 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
28 signatures on page 3),

- 1 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
2 official (i.e. page 4 of this Court's approved form), and
3 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
4 **previous six-month period.**

5 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
6 application to proceed *in forma pauperis* with all three documents or pay the full \$402
7 filing fee for a civil action on or before **July 1, 2022**, this case will be subject to dismissal
8 without prejudice for Plaintiff to refile the case with the Court, under a new case number,
9 when Plaintiff has all three documents needed to file a complete application to proceed
10 *in forma pauperis* or pays the the full \$402 filing fee.

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12 DATED THIS 1st day of June 2022

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15 UNITED STATES MAGISTRATE JUDGE
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